

CLIPPER
WILLIAM H. PAULEY III

March 4, 2008

BY FAX - 212-805-6390

Hon. William H. Pauley
United States District Court Judge
Southern District of New York
500 Pearl Street (Chambers - 2210)
New York, New York 10007

3/4/2008

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 08cv04776
DATE FILED: 3/7/08

MEMO ENDORSED

RE: Sunco Group Inc. v. Earth Biofuels, Inc.
07 CV 4776 (WHP)

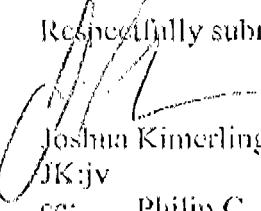
Dear Judge Pauley:

We represent the Defendant, Earth Biofuels, Inc. in connection with the above-referenced action. Pursuant to Your Honor's Scheduling Order dated January 22, 2008, the Court scheduled oral argument on March 7, 2008 in connection with a planned motion to dismiss portions of the Complaint.

Inasmuch as Plaintiff has amended its Complaint to eliminate the claims that were to be the subject of Defendant's motion to dismiss, no motion has been filed and, therefore, the March 7, 2008 oral argument date can be cancelled.

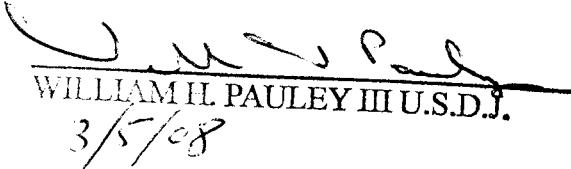
We appreciate the Court's consideration of this matter.

Respectfully submitted,


Joshua Kimerling
JK:jv

cc: Philip C. Berg, Esq. (By E-Mail: phil.berg@bergpartners.com and By Fax: 212-601-2751)

Application granted.
SO ORDERED:


WILLIAM H. PAULEY III U.S.D.J.
3/5/08